



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,255	03/14/2001	Kenji Sugiyama	P66490US0	1319

7590 11/02/2004

JACOBSON, PRICE, HOLMAN & STERN
PROFESSIONAL LIMITED LIABILITY COMPANY
400 Seventh Street, N.W.
Washington, DC 20004

EXAMINER

LE, VU

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,255

Applicant(s)

SUGIYAMA, KENJI

Examiner

Vu Le

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) 1-16, 18-20 and 22-24 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 17 and 21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6-21-01.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 17 and 21 (Group II, Species 1) in the reply filed on June 25, 2004 is acknowledged.

2. Claims 1-16, 18-20, 22-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group/Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 25, 2004.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujinami et al, US 5,510,902 in view of Hong, US 5,493,338.**

Re claim 17, Fujinami et al discloses a moving-picture scanning-type conversion apparatus (figs. 8 & 11) comprising:

a scanning-type setter (43 issues scanning mode setting signal) to set a scanning type for each picture portion of an interlaced moving picture incoming (col. 10, lines 44-46) at a given picture rate (col. 12, lines 29-36, the given picture rate is 48-field IVR interlaced video signal),

Art Unit: 2613

a converter (53) to convert the incoming interlaced moving picture into a progressive moving picture (output of 54) at a picture rate that is half the given picture rate (see col. 12, lines 24-36, converting from 48 field/sec into 24 frame/sec progressive video signal);

and a switch to switch the incoming interlaced moving picture and the progressive moving picture for each picture portion in accordance with the set scanning type (the switching between interlaced and progressive motion picture for display 55 is served by the scanning circuit 56 which scans either interlaced or progressive depending upon the scanning mode setting signal 45b).

Fujinami et al does not explicitly disclose a scanning-type setter to set a scanning type for each picture portion of an interlaced moving picture incoming at a given picture rate in accordance with motion activity of the incoming moving picture as claimed.

Although Fujinami et al discloses the input picture is an MPEG-encoded source (fig. 10: 91), which would have implied that motion information will necessarily be involved during MPEG decoding (fig. 11: 46). Nevertheless, setting a scanning type for input interlaced moving picture in accordance with motion activity as claimed is well known and used as evidenced in Hong (fig. 3B: 13-14, the switch 14 selects intra/inter-field scan conversion of interlaced moving picture respectively, depending on the motion activity from the motion detection 13).

Therefore, taking the combined teaching of Fujinami et al and Hong as a whole, it would have been obvious to modify the selection of scan conversion in Fujinami et al be

Art Unit: 2613

in accordance to motion activity as taught in Hong for the benefit of improved picture quality (Hong, col. 2, lines 16-49).

Claim 21 recites “[A]” moving-picture scanning-type conversion method comprising the steps of: setting a scanning type for each picture portion of an interlaced moving picture incoming at a given picture rate, in accordance with motion activity of the incoming moving picture; converting the incoming interlaced moving picture into a progressive moving picture at a picture rate that is half the given picture rate; and switching the incoming interlaced moving picture and the progressive moving picture for each picture portion in accordance with the set scanning type[.]” (Claim 21 is a method claim corresponding the apparatus claim 17, thus, the limitations have been analyzed and rejected w/r to claim 17. Furthermore, Fujinami et al and Hong both disclose a method and apparatus as outlined in “Summary/Field of the Invention”).

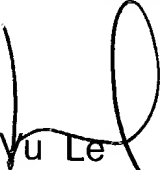
Contact

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu Le whose telephone number is 703-308-6613. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vu Le
Primary Examiner
AU 2613
(703) 308-6613
Vu.Le@uspto.gov